

# Basic Elements of Effective Centralized Telephone Intake and Delivery Systems

Legal Services Corporation

## The importance of effective intake systems

A successful intake system is the foundation for the efficient, effective and comprehensive delivery of legal services. As the point at which the client first makes contact with the legal services program, the intake system seeks to ensure that potential clients have access to services and that individuals needing assistance receive a prompt response. The intake system must perform several different functions, including assessment of the applicant's eligibility for services and, most significantly, determination of the nature of the client's problem. Those cases in which extended legal representation or in-depth assistance is necessary are referred to the grantee's case handlers, to a pro bono program or to other providers in the community. In many cases, however, limited legal assistance can be provided to the client immediately. Nationally, more than two-thirds of the cases handled by the Corporation's grantees are for advice and counsel, brief service or referral, assistance which often can be provided through the intake system itself

The Corporation believes that these tasks can be performed most effectively through a centralized, telephone-based system. Telephone intake and delivery have been used successfully by prepaid insurance plans, unions, programs for the elderly, and many other legal providers, including a growing number of legal services programs. The Corporation's Inspector General, in a report on *Increasing Legal Services Delivery Capacity Through Information Technology*, has also concluded that computer-assisted client intake and legal assistance telephone helplines could significantly increase delivery capacity.

In 1996, LSC and Legal Counsel for the Elderly/AARP, in conjunction with the National Legal Aid and Defender Association, the Management Information Exchange and the ABA SPAN Project, sponsored a series of regional conferences on Centralized Telephone Intake and Delivery. Nearly 250 people, representing more than 40 percent of current grantees, attended these trainings. The conferences were followed with sessions at the annual NLADA conference. Excellent materials were prepared and are available from the Technical Assistance/Hotline Clearinghouse Project (see p. 15). A national conference, which will focus on *Pro Se* Delivery, Technology and Ethics as well as Intake Systems, is being planned for later this year.

The materials in this brochure build upon and supplement the information presented at the 1996 conferences, as well as provide introductory materials for those who are less familiar with the concept. We highlight some of the basic elements common to successful telephone intake and delivery systems, present updates from recipients who have implemented this type of system, answer some commonly asked questions about the operation of such systems by LSC grantees, and outline the steps to consider in selecting computer software and hardware. We conclude with a short bibliography of available resources.

As the reports from the field indicate, the design and operation of these systems vary considerably, based on local needs and resources. Programs have also found that a successful intake system is a work in progress, subject to continuing reevaluation and modification. Problems have arisen with regard to technology and other issues. Nonetheless, programs that use telephone intake and delivery systems report significant improvement in such areas as client access, program efficiency, quality of services and client satisfaction

We hope that the information in these pages will help you to consider, plan and implement a centralized telephone intake system for your service area

### **Elements of Effective Centralized Telephone Intake and Delivery Systems**

The following elements are common to effective intake systems. These elements can be modified, as necessary, for particular programs or for regional or multi-provider systems

#### **Centralized telephone access**

- All persons seeking legal assistance can call one number (an 800 number for clients outside the local service area). Callers are screened for eligibility (based on income, residence and type of problem) and are put through to an intake specialist (see below), according to an established schedule with set times to receive or return client calls. Clients can speak with an intake specialist at the time of their call or receive a return call within two days.
- "Emergencies," which are defined, are given priority. Drop-ins are given a time to call, or are seen, and copies are made of their papers.
- Appointments are made for clients with special needs and for others who need a face-to-face interview.
- There are established procedures for dealing with more calls than

the system can handle.

- The client community knows that the program has a telephone intake system which provides prompt access to legal services.

### **Specialized intake and delivery**

- The objective of client intake is to provide high quality legal assistance in as many advice and brief service cases as possible by telephone. The intake specialist functions as a problem solver, seeking to resolve and conclude cases, not just as a person who qualifies callers for services.
- The intake specialist has a good knowledge of the various areas of law affecting poor people, and may also specialize in certain subject areas. She or he is skilled in conducting information gathering and giving legal advice by telephone, receiving training to further develop these skills. These positions, among the most critical in the program, can be staffed by experienced paralegals or attorneys.
- The size of the intake unit varies depending on the size of the provider/service area, and can be based on or attached to substantive law units.
- A volunteer component (e.g., law students, pro bono attorneys) may be part of the intake unit.
- As necessary, the intake specialist does further research, investigation or activity concerning the client's problem ("brief service" cases).
- Clients are promptly informed of the services they will receive.
- The intake unit is supervised by an experienced attorney, who reviews the problems and solutions with intake staff on a regular basis. The supervising attorney may review case print-outs each day to assure the thoroughness, accuracy and consistency of the assistance provided and to maintain and enhance quality of services.

### **Effective use of Technology**

- The intake specialist records all necessary client statistical data and information concerning the problem directly into the computer

while speaking with the client.

- The intake specialist can close the case by entering closing information into the computer.
- The program uses case management software which facilitates this process.
- The program has arrangements with social services sites in outlying areas so that persons can fax documents to, or receive them from, the intake specialist.

### **Forms/Information/Referrals**

- The intake unit has developed and maintains standard form letters concerning disposition of the case, requesting more information from the clients, making referrals, etc.
- The unit maintains informational and self-help materials (including letters which can be customized) relating to the various legal issues affecting clients, and sends information to advice or brief service clients as appropriate. Clients can also order materials by phone.
- The program maintains a comprehensive referral list of other legal and social service agencies that may be able to assist the client, and coordinates with other resources and providers in local communities.

### **Further legal assistance**

- Cases potentially requiring more than counsel and advice or brief service assistance are assigned or transferred to the designated specialty unit (e.g., housing, family law) or advocate.
- The advocate interviews the client, determines after review the level of assistance to be provided, prepares the retainer agreement and other paperwork, and handles the case.

### **System adjustment/Client satisfaction**

- Regular review by the supervising attorney helps identify recurring or systemic problems affecting clients.

- Questionnaires are periodically and randomly sent to clients to assess the effectiveness of the intake system and of the assistance and materials provided. Staff or volunteers may also make follow-up calls. This information can be used to help the program make necessary modifications.

### **News from the field**

- **Neighborhood Legal Services in Buffalo, NY**, is one of the pioneers in centralized telephone intake and delivery. By adopting a telephone intake model to handle cases involving advice and counsel, brief service and referrals, NLS has greatly increased the number of clients it is able to serve. In 1988, the program opened 3,800 cases, in 1994, 9,500. Besides serving more clients, NLS' model has freed up advocates to represent more clients in court and before administrative tribunals and to conduct more community legal education and complex litigation than ever before. NLS also developed a software program for intake and case management which, among other things, generates a series of standardized forms and letters to accompany its provision of brief service assistance
- **Legal Services of Northern California** uses three distinct types of hotline systems in serving a large geographical area. Since 1992, each of LSNC's six regional offices has operated its own telephone intake and delivery system, staffed by office paralegals. Statistical and case information is entered directly into the computer (real time intake) by the paralegal. LSNC also operates a centralized Senior Legal Hotline serving 39 counties in Northern California. This system provides only advice, brief service and referral, referring ongoing cases to LSNC field offices and other entities. Client surveys of both systems have shown very high levels of client satisfaction. Finally, because of its excellent reputation and its experience with hotlines, LSNC recently received a large grant to provide telephone advice and brief services to HMO and PPO enrollees in the greater Sacramento area
- **Legal Aid Society of Albuquerque** implemented a modified intake and advice system in January, 1996, which is designed to provide information, advice and brief service as a primary program service. After substantial staff input, LASA changed its staffing pattern, assigning staff to one of three units: intake, advice and referral, or litigation and advocacy. LASA also upgraded its computer system and software to support its intake system, allowing data entry at the earliest point of contact and minimizing use of paper files for most

cases

- **LASA's** receptionist screens callers for eligibility, residence and type of problem, and checks conflicts. The caller then receives a same day call-back from the intake attorney or paralegal, who conducts a telephone interview, recording information in the client data base. The intake worker provides counsel and advice or brief service assistance, or refers the case to the litigation and advocacy unit or the pro bono program, as appropriate. During the first half of 1996, LASA increased overall service to clients by 51%, while the number of cases litigated, including negotiated settlements, has remained constant when compared with 1995<
- **Legal Aid Society of Orange County's**(California) new Hotline, staffed by paralegals and law students under attorney supervision, provides services daily from 9-5 and four evenings each week. The Hotline provides advice and counsel and referrals, and is the gateway for more in-depth services, provided by LASOC staff, pro bono and lawyer referral service programs and a series of LASOC self-help clinics on topics including family law, bankruptcy and landlord/tenant matters. The Hotline and clinics have greatly expanded access to LASOC's most essential services
- **LASOC** obtained a telephone system for its intake system and other operations which utilizes Feature Group D, providing 800-line services for as low as 2 cents per minute. LASOC also upgraded its data base system, allowing real time access to its data base from all four of its offices
- **Legal Aid Society of Hawaii** implemented a Hotline Intake System with the goal of eliminating the need to replicate the critical but costly intake function in each of its nine offices, thereby freeing up staff time in the offices to assist clients on more complex cases. LASH's Hotline performs three functions: to conduct intake program-wide; to provide advice and brief services for seniors; and to act as a central referral source for the other legal services providers in the State for clients seeking legal assistance. LASH obtained funding from two foundations to pay for most of the expense of the Hotline. Staffing includes permanent and contract employees, law students, pro bono lawyers and lay volunteers. Over the past year, the number of clients served has increased by 40% and client surveys indicate a very high degree of satisfaction with services received
- **Central Mississippi Legal Services**, serving Jackson and rural communities, instituted centralized telephone intake in February, 1996. with two primary objectives: 1) to preserve client accessibility

while reducing the circuit riding of limited staff, and 2) to maintain or increase the quantity of service without diverting staff attorney time from complex or impact cases. Presently conducting telephone intake in each of its branch offices, CMLS hopes to centralize intake throughout the service area in 1997 in one unit staffed by an attorney, a paralegal and volunteers. At the outset, staff had reservations regarding telephone intake, and modifications have been made to the system as CMLS monitors its progress and effectiveness. Staff, however, have come to embrace centralized telephone intake as an integral part of the delivery system, and client satisfaction has been overwhelmingly positive.

### **Questions concerning provision of legal assistance by telephone**

- Does the provision of telephone advice by paralegals employed in a legal services office constitute unauthorized practice of law?

In a legal services office, paralegals give advice under the supervision of an attorney or within the accountability structure of the office. As a result, the advice given by the paralegal is subject to review by an attorney, and the office malpractice coverage attaches. The office must make reasonable efforts to ensure that the paralegal's conduct is compatible with the professional obligations of the office's lawyers. See, generally, ABA Model Rules of Professional Conduct, Rule 5.3 and local ethical rules.

- Is a program required to obtain retainer agreements for each client for whom it provides legal assistance by telephone

No. 45 CFR Section 1611.8(b) provides: A recipient is not required to execute a written retainer agreement when the only service provided is brief advice and consultation. It is not necessary to obtain a retainer agreement for legal services which are counsel and advice(CSR closing code A), brief services(CSR code B) or referred after legal assessment(CSR code C), when the only service provided is in the nature of brief advice and consultation. This includes cases where limited additional assistance, e.g., a letter or phone call, is undertaken as part of the provision of brief advice and consultation, whether such legal assistance is provided by telephone or in person. There may be situations, however, in which the program chooses to obtain a retainer agreement. Cases necessitating further or ongoing activity (e.g., negotiated settlement with or without litigation) require a retainer agreement.

- Is a program required to obtain written certification of citizenship or verification of eligible alien status prior to providing legal assistance by telephone?

LSC-funded programs may not provide legal assistance for or on behalf of an ineligible alien. PL 104-134. However, the program's normal intake procedures and referral of ineligible aliens are specifically excepted from this prohibition. Section 1626.3

No written or documentary verification is required when the only service provided for an eligible alien or citizen is brief advice and consultation by telephone. The term brief advice is limited to advice provided by telephone and does not include a continuous representation of a client. Sections 1626.6(a) and 1626.7(a)

Section 1626.6 (a): A recipient shall require all applicants for legal assistance who claim to be citizens to attest in writing in a standard form provided by the Corporation that they are citizens of the United States unless the only service provided for a citizen is brief advice and consultation by telephone which does not include continuous representation

Section 1626.7(a): An alien seeking representation shall submit appropriate documents to verify eligibility, unless the only service provided for an eligible alien is brief advice and consultation by telephone which does not include continuous representation of a client

This exception allows limited contacts in order to facilitate the provision of telephone assistance, as distinguished from continuing or ongoing representation

- Is a program required routinely to inform telephone clients about or mail them a copy of its client grievance procedure

No. Section 1621.3(b) requires that the program provide information about its client grievance procedure to a client at the time of the initial visit. If a client expresses dissatisfaction with the quality of legal assistance or the manner in which it is provided, the program should inform the client of the opportunity to submit a complaint and mail the client a copy of the program's grievance procedure. In addition, programs are encouraged to periodically survey client satisfaction. Such process is another way of identifying problems and informing clients of the grievance procedure

The disadvantages of giving legal advice by telephone include not



seeing the client or the client's documents and the risk of missing important issues.

- How can programs deal with these issues?

As necessary, programs should arrange to have the client mail, fax or drop off documents, or to have another person read the document to the intake specialist. Where credibility may be an issue, and in more complex cases, programs should schedule face-to-face interviews. Telephone intake staff should be experienced and trained, and intakes should be reviewed promptly by supervising attorneys for identification of possible issues and for correctness of legal advice given. Advice given should be documented in the case record and can be memorialized in a letter to the client

- Is a program required to obtain a plaintiff's signed statement of fact prior to calling or writing to the adverse party or otherwise engaging in settlement negotiation on behalf of a client?

This requirement does not apply to the provision of advice and brief services, e.g., by clarifying the facts, obtaining additional information or preparing documents or correspondence; nor does it apply to attempts to resolve matters through negotiations where there is no contemplation of litigation. It does apply to situations where the program is entering into pre-litigation settlement negotiations. Section 1636.2(a)

- May a program provide advice or brief referral assistance on an issue that is not within its priorities?

Programs are required to establish and maintain specific priorities for all the types of matters or cases they handle, and may not handle cases other than in accordance with those priorities, except in defined emergency situations. Sections 1620.3(a), 1620.6(c). However, apart from substantive priorities, recipients may determine that provision of advice and brief services via centralized telephone intake is a program priority. Programs can also make referrals on cases outside their priorities, including cases that, after legal assessment, are determined to be cases outside their priorities. Part 1620.

- May a program provide telephone assistance to a person incarcerated in a prison?

Yes. The new restriction applies to participation in litigation on behalf of prisoners. and administrative proceedings challenging the

conditions of incarceration, not to the provision of limited counsel and advice or brief service assistance. Section 1637.3.

- May a program speak with a client concerning a welfare reform law?

Yes.. The restriction applies to representation or otherwise participating in any other way in an effort to reform a welfare system. Therefore, the program may advise the client of the scope and effect of a welfare reform law, but may not advise the client in any effort to change or challenge a welfare reform law. Part 1639

### **Steps to consider in selecting software and hardware**

Listed below are some general steps to consider in selecting software for a centralized telephone intake system (hotline) and computer hardware. The circumstances of your program may require you to consider additional steps or allow you to skip a step. Below these steps are some points to keep in mind when discussing intake system software and hardware requirements with vendors

- Involve staff in the discussions, testing, and selection of the hotline. Get their input on how a hotline can benefit the program, and on how the hotline might function
- Decide whether and how the hotline will be integrated with other program systems such as case management and timekeeping systems.
- Contact legal services programs that use a hotline. Discuss characteristics of their system, including network requirements, computer hardware requirements, improvements that may be needed, access to technical support, and the cost of system upgrades
- Obtain demonstration diskettes of intake systems that are of interest to you
- After reviewing the diskettes and speaking with others, contact the vendor to discuss the system, computer hardware requirements, computer network requirements, and the need for the intake system to be integrated with other existing program applications such as timekeeping and case management systems
- Test the complete hotline system for a trial period (Demonstration diskettes may not allow you to examine some of the critical features of the application.)
- ***Get staff reactions and comments to the system.*** Only after a

thorough review of the system, discussions with staff, and discussions with programs that have experience with the system should you consider purchasing

### **Suggestions to consider in your discussions about hotline systems**

- Determine if the system can be integrated with your existing case management and timekeeping systems. Determine if the vendor will charge extra for integrating the systems
- Ask about the specific **hardware** (desktop computers and network servers), **network software** (Novell, LANtastic, etc.), and **other software applications** (Windows, Excel, Foxpro, etc.) required for proper operation of the hotline.
- Obtain a list of current users of the hotline software. Ask about
- Cost and reliability of technical support
- The cost of system upgrades
- The cost and time required for training staff
- The computer hardware used to run the system
- Networking requirements
- Compatibility with case management, accounting, and timekeeping systems
- The ability to generate reports the program needs for grant and other purposes
- The cost of having existing files transferred into the new system
- The ease of use of the system for advocates and support staff (User friendly)
- The commitment to keeping the software up-to-date
- The total investment, including money and staff time, to complete and maintain the system.

### **Resources**

The National Clearinghouse for Legal Services (NCLS) and the Coordinated Advice and Referral Program (CARPLS), with support from a grant from Legal Counsel for the Elderly/AARP, are operating the *Technical Assistance/Hotline Clearinghouse Project*. This project assists legal services programs in implementing and operating centralized telephone intake systems by collecting and disseminating information about hotlines and other intake systems around the country and providing ongoing technical assistance by telephone. You can receive copies of materials by contacting NCLS' web site

(ncls@interaccess.com) or through HandsNet (HN2713) or, to order a diskette of materials, telephoning NCLS at 312-263-3830.

Requests for technical assistance by telephone should be directed to CARPLS at 312-738-9494, ext. 303.

The July, 1995, Management Information Exchange (MIE) Journal has an excellent series of articles on hotlines and other intake systems. The November, 1996, MIE Journal has an article describing the Hotline Clearinghouse Project. The December, 1996, Clearinghouse Review also has a description of the Project, as well as an index of the documents and materials which are available through the Clearinghouse